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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,078	11/20/2003	Michael A. Woodruff	WDRFJ 100	8639
2555	7590	11/23/2005	EXAMINER	
KREMBLAS, FOSTER, PHILLIPS & POLLOCK 7632 SLATE RIDGE BOULEVARD REYNOLDSBURG, OH 43068			SILBERMANN, JOANNE	
			ART UNIT	PAPER NUMBER
			3611	
DATE MAILED: 11/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/718,078		WOODRUFF, MICHAEL A.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Joanne Silbermann		3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-7,9-14,16-20 and 22-46 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 12 and 13 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the telephone conversation with Jason Foster.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-7, 9-11, 14, 16-20, 22-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. in view of Kassab, US #6,258,200.

3. Lewis teaches a display device comprising power supply (batteries) 28, light source (one or more LEDs) 26, switch 44 (column 3 line 57) and (white) mounting film

12. The mounting film has two major surfaces and includes adhesive 18 on one for mounting to a substrate. Lewis also teaches indicia (opaque, alphanumeric characters) printed on the surface opposite the adhesive (column 3 lines 9-16). The illumination assembly includes housing 46.

4. Lewis does not teach the illumination assembly mounted to only one side of the mounting film or a static cling mount, however these are well known in the art as shown by Kassab. Kassab teaches a static cling mount for a display including transparent

mounting film 20 for supporting display 32 (Figure 15). Display 32 is mounted completely on one side of the mounting film. It would have been obvious to a person having ordinary skill in the art to utilize such a mounting means so that the display of Lewis et al. may be mounted on a variety of surfaces without leaving adhesive residue.

5. Lewis and Kassab do not teach indicia on the mounting film, however it would have been obvious to one of ordinary skill to utilize this area for indicia if additional display area is needed.

6. As shown in Figure 6 of Kassab, the mounting film is larger than the display assembly.

7. Kassab does not teach static attraction to mount the illumination assembly to the mounting film, however static attraction is a well known equivalent alternative to adhesive. It would have been obvious to one of ordinary skill to utilize static attraction to attach the assembly and film if adhesive would harm the assembly.

8. Lewis and Kassab do not specifically teach the mounting film as being colored, however this is considered to be entirely a matter of design choice. It would have been obvious to one of ordinary skill to use color on the film if the desired display requires color.

9. Lewis and Kassab do not teach using a transducer or alternating current as a power source, however these are well known in the art. It would have been obvious to utilize either of these as an equivalent, alternative source of power for the display.

10. Lewis and Kassab does not teach an automatic, programmable, photo sensing or motion sensing switch however, these are all considered to be equivalent alternatives and would have been obvious to one of ordinary skill in the art.

11. Lewis and Kassab do not teach mounting the display on a wall or mirror, however the examiner takes official notice of displays mounted on walls and mirrors. It would have been obvious to one of ordinary skill to mount a display on a wall or mirror or anywhere the target audience would most likely see it. The examiner also takes official notice of windows that are angled, as is a car's windshield.

12. Lewis and Kassab do not particularly teach methods for using the device, however the method steps of the instant claims would have been obvious to one of ordinary skill given the structure of Lewis, as modified by Kassab.

### ***Response to Arguments***

13. Applicant's arguments filed May 27, 2005 (and October 18, 2005) have been fully considered but they are not persuasive.

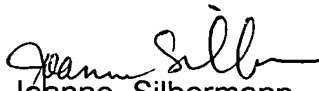
14. The Kassab reference has been applied in response to Applicant's amendments to the claims requiring the assembly not to be sandwiched between two films.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joanne Silberman  
Primary Examiner  
Art Unit 3611

js  
14 November 2005